

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
W/S York Road, 315' S of * DEPUTY ZONING COMMISSIONER
Belfast Road (15116 York Road) * OF BALTIMORE COUNTY
8th Election District * Case No. 91-222-A
3rd Councilmanic District
John Merryman
Petitioner

AMENDED ORDER

WHEREAS, the Petitioner herein requested and was granted variances for an Antique Shop on the subject property, in accordance with the plan introduced as Petitioner's Exhibit 1, by Order issued April 17, 1991;

WHEREAS, Counsel for Petitioner has requested a modification of Restriction No. 2 thereof to extend the time limitations in the event said use of the property should terminate;

WHEREAS, Petitioner has obtained written approval of the requested modification from the Greater Sparks Glencoe Community Council, by its President, Paul Hupfer;

IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of May, 1991 that the Order issued April 17, 1991 be and the same is hereby AMENDED to modify Restriction No. 2 thereof to read as follows:

"2) The relief granted herein is limited to the use of the subject property as an antique shop. In the event the property is sold or its use as an antique shop is discontinued for one hundred twenty days (120) or more, the relief granted herein shall terminate."

ORDER RECEIVED FOR FILING
Date 5/16/91
By [Signature]

IT IS FURTHER ORDERED that all other conditions and restrictions contained in the Order issued April 17, 1991 shall remain in full force and effect.

[Signature]
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Lewis L. Fleury, Esquire
424 Woodbine Avenue, Towson, Maryland 21204

Mr. John G. Leonard, Jr.
29 Chesterfield Court, Monkton, Md. 21111

Mr. Paul Hupfer
831 Walter Lane, Sparks, Md. 21152

People's Counsel

File

ORDER RECEIVED FOR FILING
Date 5/16/91
By [Signature]

- 2 -

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
W/S York Road, 315' S of * DEPUTY ZONING COMMISSIONER
Belfast Road (15116 York Road) * OF BALTIMORE COUNTY
8th Election District * Case No. 91-222-A
3rd Councilmanic District
John Merryman
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit 3 existing parking spaces in lieu of the 4 required and existing design, screening, landscaping and unstriped stone surface for parking in lieu of that required, and a setback of 2 feet from the street right-of-way for off-street parking in lieu of the minimum required 10 feet, as more particularly described in Petitioner's Exhibit 1.

The Petitioner appeared, testified and was represented by Lewis L. Fleury, Esquire. Also appearing on behalf of the Petition were Janine Rogers and Judith L. Wilson, Tenants, and Eugene F. Raphael, Surveyor. Appearing as a Protestant in the matter was Paul A. Hupfer.

Testimony indicated that the subject property, known as 15116 York Road, consists of 1.003 acres zoned R.C. 5 and is improved with a one-story building presently used as an antique shop. Said property was the subject matter of previous Case No. 90-475-XA in which a special exception and variances were requested by Petitioner. Subsequent to the hearing in Case No. 90-475-XA, the matter was continued to allow Petitioner time to file the instant Petition for additional variances as all parties at the original hearing were opposed to the addition of paved parking spaces and felt it was unnecessary.

The Protestants, while in principle are opposed to the relief

ORDER RECEIVED FOR FILING
Date 5/16/91
By [Signature]

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections 402.6.2 and 409.2A to allow 3 existing parking spaces rather than 4 required; and existing design, screening, landscaping and unstriped stone surface for parking rather than those required, also 2 foot setback from street right-of-way for off-street parking in lieu of the required 10 feet. The undersigned, legal owner(s) of the property, being the legal owner(s) of the property, are the legal owner(s) of the property, which is the subject of this Petition.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

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City and State

Address

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CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

91-222-A

District: 8-11 Date of Posting: January 16, 1991

Posted for: Variance

Petitioner: John B. Merryman

Location of property: W/S York Road 315' S of Belfast Road

Location of Sign: on front of 15116 York Road

Remarks: See front of 15116 York Road

Posted by: S. J. Haines Date of return: January 18, 1991

Number of Signs: 4

CERTIFICATE OF PUBLICATION

TOWSON, MD. 3-8, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3-7, 1991

TOWSON TIMES,
S. Zebe Olson
Publisher

\$ 123.62

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed zoning variance on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case numbers: 90-475-XA and 91-222-A
W/S York Road, 315' S of Belfast Road
15116 York Road
8th Election District
3rd Councilmanic
Petitioner(s): John B. Merryman
Hearing Date: Thursday, April 4, 1991 at 9:30 a.m.
90-475-XA
Special Exception for an antique shop in a R.C. 5 zone.
Variance to allow one double faced free standing sign with surface area of 14 sq. ft. rather than single faced sign not to exceed 5 sq. ft. in area and to allow setback of 58 ft. from centerline, rather than 75 ft.
91-222-A
Variance to allow 3 existing parking spaces rather than 4 required, to allow existing design, screening, landscaping and unstriped stone surface for parking rather than those required; and to allow 2 foot setback from street right-of-way for off-street parking in lieu of the required 10 feet.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
TTJWH/SG/20 Mar. 7.

Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: 3754

receipt

Date: 10/25/90

PUBLIC HEARING FEES
RE: ZONING VARIANCE (OTHER)
LAST NAME OF OWNER: MERRYMAN

QTY: 1
PRICE: \$175.00
TOTAL: \$175.00

04AD40062MCHRC
BA C00P55AH10-26-90
\$175.00

Please make checks payable to: Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD. 3-8, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3-7, 1991

THE JEFFERSONIAN,
S. Zebe Olson
Publisher

\$ 123.62

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J. ROBERT HAINES
Zoning Commissioner of Baltimore County
TTJWH/SG/20 Mar. 7.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 3-12-91

John B. Merryman
1140 Cold Bottom Road
Sparks, Maryland 21152

RE:
Case Number: 91-222-A
W/S York Road, 315' S of Belfast Road
15116 York Road
8th Election District - 3rd Councilmanic
Petitioner(s): John B. Merryman
HEARING: THURSDAY, FEBRUARY 7, 1991 at 9:30 a.m.

Dear Petitioner(s):

Please be advised that \$ 175.00 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 15116 (15) minutes before your hearing is scheduled to begin.

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Lewis L. Fleury, Esq.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

December 17, 1990

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case Number: 91-222-A
W/S York Road, 315' S of Belfast Road
15116 York Road
8th Election District - 3rd Councilmanic
Petitioner(s): John B. Merryman
HEARING: THURSDAY, FEBRUARY 7, 1991 at 9:30 a.m.

Variance to allow 3 existing parking spaces rather than 4 required; to allow existing design, screening, landscaping and unstriped stone surface for parking rather than those required; and to allow 2 foot setback from street right-of-way for off-street parking in lieu of the required 10 feet.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of Baltimore County

cc: John B. Merryman
Lewis L. Fleury, Esq.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

February 11, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case Numbers: 90-475-XA and 91-222-A
W/S York Road, 315' S of Belfast Road
15116 York Road
8th Election District - 3rd Councilmanic
Petitioner(s): John B. Merryman
HEARING: THURSDAY, APRIL 4, 1991 at 9:30 a.m.

90-475-XA
Special Exception for an antique shop in a R.C. 5 zone.
Variance to allow one double faced free standing sign with surface area of 14 sq. ft. rather than single faced sign not to exceed 5 sq. ft. in area and to allow setback of 58 ft. from centerline, rather than 75 ft.
91-222-A
Variance to allow 3 existing parking spaces rather than 4 required; to allow existing design, screening, landscaping and unstriped stone surface for parking rather than those required; and to allow 2 foot setback from street right-of-way for off-street parking in lieu of the required 10 feet.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of Baltimore County

cc: John B. Merryman
Lewis L. Fleury, Esq.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 29, 1991

Lewis L. Fleury, Esquire
424 Woodbine Avenue
Towson, MD 21204

RE: Item No. 176, Case No. 91-222-A
Petitioner: John B. Merryman
Petition for Zoning Variance

Dear Mr. Fleury:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINTARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. John B. Merryman
1140 Cold Bottom Road
Sparks, MD 21152

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

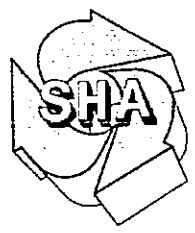
887-3353

Your petition has been received and accepted for filing this 21st day of November, 1990.

J. Robert Haines
ZONING COMMISSIONER

Received By:
James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: John B. Merryman
Petitioner's Attorney: Lewis L. Fleury



**Maryland Department of Transportation
State Highway Administration**

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

November 14, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Baltimore County
John B. Merryman Property
Zoning Meeting of 11-9-90
W/S York Road (MD 45)
315' South of Belfast Rd.
(Item #176)

Attn: Mr. James Dyer

Dear Mr. Haines:

We have reviewed the submittal for the John B. Merryman property and find the plan acceptable with no changes to the existing site.

If we can be of further assistance, please contact Larry Brocato of this office at (301) 333-1330.

Very truly yours,

John Contestabile
John Contestabile, Chief
Engineering Access Permits
Division

LB:mas

cc: E. F. Raphael & Assoc.
Mr. J. Ogle

received
11/14/90

My telephone number is (301) 333-1350 (Fax #333-1041)

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 O.C. Metro - 1-800-492-1062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

NOVEMBER 2, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: JOHN B. MERRYMAN
Location: #15116 YORK ROAD
Item No.: 176 Zoning Agenda: NOVEMBER 13, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. SEC. 25

REVIEWER: *John Contestabile* 11-5-90 Noted and Approved *J. F. Brady*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

received
11/14/90

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE**

TO: Zoning Advisory Committee DATE: November 12, 1990

FROM: Robert W. Boulton, P.E.

RE: Zoning Advisory Committee Meeting
for November 13, 1990

The Department of Engineering Division has reviewed the subject matter above and has no comments for items 170, 172, 175, 176, 178, and 180.

Robert W. Boulton
Robert W. Boulton, P.E., Chief
Development Engineering Division

END:

November 28, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204



Dennis F. Rasmussen
County Executive

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers, 170, 172, 175, 176, 178, and 180.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

NSF/lab

received
12/13/90

INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer
Zoning Supervisor

DATE: December 6, 1990

FROM: James H. Thompson
Zoning Enforcement Coordinator

RE: Item No. 176 (if known)
Petitioner: John B. Merryman (if known)

VIOLATION CASE # 90-276A

LOCATION OF VIOLATION 15116 York Road

DEFENDANT John B. Merryman

ADDRESS 15112 York Road Sparks, MD 21152

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS

Lewis Fleury, Esquire
424 Woodbine Avenue
Baltimore, MD 21204

Phyllis Novotny
13612 Poplar Hill Road
Phoenix, MD 21131

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

enh/

111 W. Chesapeake Avenue
Towson, MD 21204

887-3454

December 21, 1990

Lewis L. Fleury, Esquire
424 Woodbine Avenue
Towson, MD 21204

RE: Case Number: 91-222-A
John B. Merryman
POSTPONEMENT OF FEBRUARY 7, 1991 HEARING DATE

Dear Mr. Merryman:

As referenced above and pursuant to our telephone conversation of today's date, John B. Merryman's scheduled hearing of February 7, 1991 has been postponed.

Your telephone call was timely, enabling me to halt advertising and posting pertaining to the February date. I thank you for same.

The case will be reset after February on a date convenient for both your client and yourself.

Very truly yours,

G. G. Stephens
(301) 887-1391

cc: Mr. John B. Merryman
1149 20th Avenue Road
Sparks, MD 21152

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE**

TO: J. Robert Haines
Zoning Commissioner

DATE: January 11, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: John B. Merryman, Item No. 176

The petitioner requests a variance to allow three existing parking spaces in lieu of the required four; a modification of design, screening, landscaping and surface requirements; and a 2 ft. setback from street right-of-way for off-street parking in lieu of the required 10 ft.

In reference to the petitioner's request, staff offers the following comment:

This office does not support commercialization outside of the rural villages and centers as identified on the Master Plan. An exception to this is for the adaptive reuse of historic buildings or buildings or rural character. In these cases, it is most appropriate to maintain some degree of flexibility in terms of the application of urban improvements standards. For example, the amount of impervious surface, and screening.

The stone structure at 15116 York Road is an outbuilding of MHT Site No. BA 375, the main structure being listed as the "Merryman House." The small building to be utilized as an antique shop was a dairy outbuilding used as a collection point for milk cans. Possibly they were sterilized there--note the extra large chimney. The main house can be found on the 1850 map by J.C. Sidney. The small structure mentioned was listed as significant as long ago as 1971, surveyed by local volunteer.

Therefore, this office supports the requested variances from these urban standards for the specified antique shop or any similar retail business use.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM176/ZAC1

received
1/17/91

LEWIS L. FLEURY
ATTORNEY AT LAW
424 WOODBINE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3200

May 15, 1991

RECEIVED
MAY 15 1991

ZONING OFFICE

Ms. Ann M. Nastarovic
Deputy Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Petitions for Special Exception and Zoning Variance
W/S York, 315' S of Belfast Road
8th Election District - 3rd Councilmanic District
Cases Nos. 90-475-XA and 91-222-A, respectively

Dear Deputy Commissioner:

On behalf of Mr. John B. Merryman, owner of the above property, I request the following revisions of the Orders in the above matters entered on April 17, 1991:

As to case no. 90-475-XA, revise subparagraph no. 2 to read as follows:

"2. The special exception granted herein is limited to the use of the subject property as an antique shop. In the event the use of the subject property as an antique shop is discontinued for one hundred twenty (120) days or more, the relief granted herein shall terminate."

As to case no. 91-222-A, revise paragraph no. 2 as follows:

"2. The relief granted herein is limited to the use of the subject property as an antique shop. In the event the property is sold or its use as an antique shop is discontinued for one hundred twenty (120) days or more, the relief granted herein shall terminate."

NAME	ADDRESS
Paul R. Kypke	431 WATERS LANE SPANISH AND DINE
CRISTINA SPANISH GLENNED COUNTRY	CORPUS

PETITIONER(S) SIGN-IN SHEET

<u>NAME</u>	<u>ADDRESS</u>
JUDITH WALSON	1511 YALE RD. SPARKS NV 2102-
JANINE REDGERS	808 LAYLA DR. 2104
JAMES HERRMAN	1301 GOLF BETHPARK SPARKS NV 2102
	705 GARDENVIEW WALKER NV

